agreed, that the guidelines did not apply to the DNC Chairman, these internal guidelines should have made Fowler more sensitive to the appearance of impropriety created by his actions. Nonetheless, the evidence is insufficient to prove that his actions, however inappropriate, were intended to criminally corrupt the Hudson decision-making process, or that his actions did in fact criminally corrupt the decision on the Hudson casino application.

Likewise, there is no direct evidence to prove that Ickes's office attempted to influence Interior decision-making on the Hudson casino matter. Ickes's White House staff initiated several oral and written contacts with Interior officials about the Hudson casino proposal. There is little evidence to show that those inquiries were anything but inquiries into the status of the Hudson matter, and there is no evidence that they were made in exchange for future campaign contributions.[762] There is, in other words, no direct evidence that any of these contacts were made with the intent to corruptly influence Interior's decision on the matter. It was not unheard of for Ickes or his office to weigh in substantively on matters pending at Interior, or even to advocate that Interior should take a particular position, as Ickes did with regard to the Wampanoag tribe's gaming issue. *See supra* at 360-61. However, there is no evidence that Ickes's office did even that much with regard to Hudson.

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[762]The evidence does not support the theory that the White House made the status-check inquiries in exchange for any implicit or explicit pledge by the Indians to contribute financially to the Democratic Party. Even if, as the evidence suggests but does not prove, campaign contributions may have gained access to the White House for the tribes and their lobbyists via the DNC, some courts have cast grave doubt on whether simply granting or denying access based on levels of such contributions is an "official act" to support a bribery prosecution. *See United States v. Carpenter*, 961 F.2d 824, 827 (9th Cir.), *cert. denied*, 506 U.S. 919 (1992) ("granting or denying access to lobbyists based on levels of campaign contributions is not an 'official act'" under the Hobbs Act); *see also United States v. Sawyer*, 85 F.3d 713, 731 n.15 (1st Cir. 1996) ("We do not think that the desire to gain access, by itself, amounts to an intent to influence improperly the legislators' exercise of official duties.").